

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Draft**

**Monday, February 25, 2019**

**6:00 PM**

**Council Chambers**

**City Council**

## **EXECUTIVE SESSION**

None.

## **WORK SESSION**

None.

### **1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)**

#### **Call to Order**

6:16 p.m.

#### **Roll Call**

**Present:** 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, Mayor Bennett, and Councilor Leung

### **1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

A motion was made by Councilor Hoy, seconded by Councilor Kaser to approve the additions and revisions of items 4.a and 6.d to the agenda.

Comments by Councilor Hoy.

The motion carried by the following vote:

**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Cook, Lewis, Hoy, Bennett, and Leung

**Nay:** 0

**Abstain:** 0

### **1.2 COUNCIL AND CITY MANAGER COMMENT**

None.

### **1.3 PROCLAMATIONS**

None.

### **1.4 PRESENTATIONS**

**1.4 a.**    [19-95](#)

Presentation by Polk County Sheriff Mark Garton

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Item 1.4a was heard prior to item 1.2, Council and City Manager Comment.**

**A joint presentation was made by Polk County Sheriff Mark Garton, Polk County District Attorney Aaron Felton, and Polk County Commissioner Lyle Mordhorst.**

**Questions or Comments by Mayor Bennett and Councilor Hoy.**

**2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)**

**Item 8, Public Comment, was also heard during item 2.**

**Appearance by:**

**Jamie French, Chair, Landmarks Commission, 1145 Madrona Avenue S, Item 6.b, File 19.61.**

**Questions or Comments by: Mayor Bennett, Councilors Andersen, Kaser, and Leung.**

**3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)**

**A motion was made by Councilor Hoy, seconded by Councilor Cook to approve the consent calendar with the pull of item 3.3a by Councilor Cook.**

**Comments by: Councilor Hoy.**

**The motion carried by the following vote:**

**Aye:**    9 - Kaser, Andersen, Nanke, Ausec, Cook, Lewis, Hoy, Bennett, and Leung

**Nay:**    0

**Abstain:**    0

**3.1 MINUTES**

**3.1 a.**    [19-98](#)

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**Action: Approved.**

### 3.2 RESOLUTIONS

None.

### 3.3 ACTION ITEMS

**3.3 a.** [19-58](#)

Second amendment to Purchase and Sale Agreement with Dogwood Heights LLC for the acquisition of real property identified as a portion of tax lots 083W04C00100 and 083W04C00200.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

Result Area(s): Welcoming and Livable Community.

**Pulled by Councilor Cook - See item 5.a.**

**3.3 b.** [19-85](#)

Grant amendment for final construction payment on the Peter Courtney Minto Island Bicycle and Pedestrian Bridge and request for authorization for Division Street funding.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Result Area(s): Safe, Reliable and Efficient Infrastructure

**Approved the attached grant amendment to accept \$690,000 of Riverfront-Downtown Urban Renewal Area funds for the final construction payment on the Peter Courtney Minto Island Bicycle and Pedestrian Bridge; authorize the use of \$690,000 of 2008 Streets and Bridges Bond funds for construction of improvements to Division Street adjacent to the new Police Facility.**

### 4. PUBLIC HEARINGS

**4. a.**     [19-63](#)

City Council review of the Planning Commission's decision approving Class 3 Design Review / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Tree Regulation Variance Case No. DR-SPR-DAP-TRV18-07 for proposed development of a 111-unit apartment complex with frontage on Wiltsey Road SE and Candy Flower Court SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

Result Area(s): Welcoming and Livable Community

**Staff presentation by Aaron Panko, Planner, Community Development Planning Services.**

**Persons Testifying:**

**Applicant's representative, Mark Grenz, Multi Tech Engineering, 1155 13th Street SE**

**Questions or Comments by: Mayor Bennett, Councilors Cook, Andersen, Lewis, Leung, City Attorney Atchison, Aaron Panko, Norman Wright, Community Development Director, Lisa Anderson-Ogilvie, Planning Administrator, Community Development Planning Services.**

**Other Persons Testifying:**

**Bill Dalton, 6619 Huntington Circle SE.**

**Angelina McNab, no address provided.**

**Additional comments by: City Attorney Atchison and Mayor Bennett. Councilors Hoy, Leung, and Cook disclosed ex parte contact with members of the public regarding the application.**

**Mark Grenz, representative for the applicant, agreed to extend the 120-day State mandated deadline to allow staff to review a revised Site Plan that he introduced to the Council during the hearing.**

**Note: Testimony submitted by Bill Fujii on February 11, 2019 and testimony submitted by Steve Quady on February 10, 2019 will be entered into the record.**

**Mayor Bennett closed the public hearing and the record will be held open until 5:00 p.m. on March 11, 2019.**

4. b. [19-71](#)

System Development Charge Methodology Update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship;  
Safe, Reliable, and Efficient Infrastructure; Strong and Diverse  
Economy; Welcoming and Livable Community.

**Staff presentation by Glenn Davis, Engineer, Public Works Planning and Development.**

**Persons Testifying:**

Rich Fry, Ward 4

**Questions or Comments by Councilor Cook and Mayor Bennett.**

**Organizations Testifying:**

Mike Erdmann, Chief Executive Officer, Home Builders Association of Marion and Polk Counties, 2075 Madrona Avenue SE.

**Other Persons Testifying:**

Mark Grenz, Multi Tech Engineering, 1155 13th Street SE

Bill Fujii, 3390 Holiday Drive SE

Richard Berger, no address provided

Russ Beaton, 1025 21st Street

**Questions or Comments by: Councilors Lewis, Cook, Hoy, Andersen, Kaser, Nanke, Mayor Bennett, Glenn Davis, Peter Fernandez, Director, Public Works, and City Manager Powers.**

**A motion was made by Councilor Andersen, seconded by Councilor Ausec to approve the staff recommendation with the minority opinion.**

**Comments by: Councilors Andersen, Hoy, Nanke, Kaser, Cook, Lewis, and Mayor Bennett.**

**The motion to approve the staff recommendation with the minority opinion failed by the following vote:**

**Aye: 2 - Andersen, Ausec**

**Nay: 7 - Kaser, Nanke, Cook, Lewis, Hoy, Leung, Bennett**

**Abstain: 0**

**Comments by: Mayor Bennett and Councilor Andersen.**

**A motion was made by Councilor Andersen, seconded by Councilor Hoy to adopt the Majority Opinion option of Resolution No. 2019-7, updating the System Development Charge Methodologies for Parks, Transportation,**

**Water, Wastewater, and Stormwater.**

**The motion to adopt the Majority Opinion option of Resolution No. 2019-7, updating the System Development Charge Methodologies for Parks, Transportation, Water, Wastewater, and Stormwater carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Cook, Lewis, Hoy, Bennett, and Leung

**Nay:** 0

**Abstain:** 0

**5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)**

**5.a.**     [19-58](#)

Second amendment to Purchase and Sale Agreement with Dogwood Heights LLC for the acquisition of real property identified as a portion of tax lots 083W04C00100 and 083W04C00200.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

Result Area(s): Welcoming and Livable Community.

**A motion was made by Councilor Cook, seconded by Councilor Hoy to authorize the City Manager to execute the attached amendment to the Purchase and Sale Agreement with Dogwood Heights LLC to extend the closing date for the acquisition of real property.**

**Comments by: Councilor Cook.**

**The motion carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Cook, Lewis, Hoy, Bennett, and Leung

**Nay:** 0

**Abstain:** 0

**6. INFORMATION REPORTS: (Items that require no Council action)**

**6. a.    [19-4](#)**

Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Replat / Property Line Adjustment / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-REP-PLA-ADJ-DAP18-08 - Approved - Mountain West Corporation - 2100 to 2300 Blocks of Lindburg Road SE and Strong Road SE - A consolidated application for a proposed 180-unit multiple family development on approximately 9.51 acres of the former Fairview Training Center site.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Morningside

**This Informational Report was received and filed.**

**6. b.    [19-61](#)**

Annual Historic Landmarks Commission Report

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Welcoming and Livable Community

**This Informational Report was received and filed.**

**6. c.    [19-69](#)**

Purchases approved administratively from January 1, 2019 through January 31, 2019.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance

**This Informational Report was received and filed.**



**6. d.**     [19-76](#)

Revised Report - Revised report to include public comment that was received during the comment period.

Notice of proposed administrative rulemaking to implement collection, reimbursement, and expenditure of System Development Charges.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable, and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**This Informational Report was received and filed.**

**6. e.**     [19-83](#)

Planning Administrator Decision - Partition / Class 2 Adjustment Case No. PAR-ADJ18-13 - Approved - Maximiano Diaz-Salcedo - 3430 Abrams Avenue NE - A proposed partition to divide a lot along the easterly side of Abrams Avenue NE into two parcels with two Class 2 Adjustments for lot depth and future setbacks abutting a street.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

**This Informational Report was received and filed.**

**6. f.**     [19-87](#)

Planning Administrator Decision - Partition Case No. PAR18-15 - Approved - 1290, LLC (Irvin Widmer) - 1290 Summer Street NE - A proposed partition to divide a lot along the easterly side of Summer Street NE into two parcels. The existing single family residence would remain on Parcel 1.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Grant

**This Informational Report was received and filed.**

## 7. ORDINANCES

### 7.1 FIRST READING:

#### 7.1 a. [19-73](#)

Proposed amendments to Salem Revised Code pertaining to General Assessment Procedures (Chapter 21), Development Fee (Chapter 41), Water (Chapter 72), and Wastewater (Chapter 73).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable, and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**A motion was made by Councilor Hoy, seconded by Councilor Nanke to conduct first reading Ordinance Bill No. 01-19, which amends Salem Revised Code (SRC) Chapters 21, 41, 72, 73 related to a System Development Charge Methodology Update, and advance to second reading for enactment.**

**The motion carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Cook, Lewis, Hoy, Bennett, and Leung

**Nay:** 0

**Abstain:** 0

#### 7.1 b. [19-91](#)

Petitioner-Initiated Annexation of Territory Located at 4945 Delton Lane NE - 97301 (Annexation Case No. C-728)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

**A motion was made by Councilor Hoy, seconded by Councilor Cook to conduct first reading of Ordinance Bill No. 3-19 annexing, applying City of Salem RS (Single Family Residential) zoning from Marion County UD (Urban Development), and withdrawing from the Marion County Fire District #1 and the East Salem Sewer & Drainage District, for a 0.277-acre property located at 4945 Delton Lane NE.**

**The motion carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Cook, Lewis, Hoy, Bennett, and Leung

**Nay:** 0

**Abstain:** 0

**7.2 SECOND READING:**

**None.**

**8. PUBLIC COMMENT: (Other than agenda items)**

**None.**

**9. ADJOURNMENT**

**8:36 p.m.**